



## **MINUTES OF THE REGULAR ADJOURNED MEETING OF THE CITY COUNCIL AND THE COUNCIL SITTING AS THE REDEVELOPMENT AGENCY BOARD**

**MONDAY, JULY 26, 2004**

The regular adjourned meeting of the City Council, also sitting as the Redevelopment Agency, was called to order by Mayor/Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on May 26, 2004 at 3:03 p.m.

### **ROLL CALL:**

Present: Council Member/RDA Board Member DeRosa, Marchand, England, Mayor Pro Tem/RDA Board Member Pettis, Mayor/RDA Chairman Stettler

Note: Council Member/RDA Board Member DeRosa answered the roll call via telephone conference call, advising that she would be participating in the Closed Session, but not the Study Session.

Deputy City Attorney Green advised that there was an urgency item to be added to the Closed Session Agenda - Conference with Legal Counsel on a proposed settlement offer. Council Member Marchand moved to add the item, motion seconded by Council Member England, motion carried 4-0.

**Urgency Items ("Added Starters"):** The Brown Act permits the City Council to take action on any item that does not appear on the agenda only if 2/3 of the City Council (if all are present) or all members of the Council (if less than all are present) determine there is a need to take immediate action on the item and that the need to take immediate action came to the City Council's attention after the posting of the agenda.

The Regular meeting began at 6:40 p.m. and was opened by Mayor/RDA Chairman Stettler. Council Member/RDA Board Member Marchand led the invocation, followed by The Flag Salute led by Mayor Stettler. (Council Member DeRosa was not participating).

### **CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b)  
Number of Potential Cases: None

2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6  
Agency Negotiator: Donald Bradley, City Manager  
Represented Employees: 1) Cathedral City Firefighters Association (CCFFA); 2) Cathedral City Police Officers' Association (CCPOA); and 3) Cathedral City Public Safety Management Association (CCPSMA);
3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.  
Case No.: United States District Court, Central District of California Case No. EDCV 02-965
4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipino, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Renshaw in their individual capacity, and DOES 1 through 10, Inclusive  
Case No.: United States District Court, Central District of California Case No. CV 04 02931 (VBKx)[Class Action] Complaint for Damages and Injunctive Relief Demand for Jury Trial
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Charlene Sumpter**)  
Property Location: West of Date Palm Drive, North of East Palm Canyon Drive, East of Monty Hall and South of the Whitewater Channel.  
Negotiating Parties: Redevelopment Agency and Tri- Millennium for Phase III of the Downtown Project  
Property Owner: Redevelopment Agency  
Under Negotiation: Disposition of Property

6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.  
Property Location: South Side of East Palm Canyon Drive East of Buddy Rogers Drive and West of Van Fleet Avenue, North of North A Street and Parcels North of B Street, Southside (Apartments/Commercial Bldg)  
Negotiating Parties: Redevelopment Agency & Tri-Millennium Development Cathedral City, LLC  
Property Owners: Redevelopment Agency  
Under Negotiation: Disposition of Property
7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.  
Property Location: East of Cathedral Canyon, North of East Palm Canyon, West of Buddy Rogers and South of N. Buddy Rogers, South of Avenida Lalo Guerrero (Hotel Site)  
Negotiating Parties: Redevelopment Agency & Tri-Millennium Development Cathedral City, LLC  
Property Owners: Redevelopment Agency  
Under Negotiation: Disposition of Property
8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.  
Property Location: 68-718 East Palm Drive, West of Monty Hall, North of East Palm Canyon Drive, East & South of Buddy Rogers. (Building G)  
Negotiating Parties: Redevelopment Agency & Tri-Millennium Development Cathedral City, LLC  
Property Owners: Redevelopment Agency  
Under Negotiation: Disposition of Property
9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Keith Scott**)  
Property Location: 68307 East Palm Canyon Drive-Heilig Meyers Building  
Negotiating Parties: Redevelopment Agency and Development Management Group, Brittany West and Resort Destinations Group Property Owner: Redevelopment Agency  
Under Negotiation: Disposition of property
10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)  
Property Location: 31950 Crosley Road  
APN# 677-420-016 and associated parcels  
Negotiating Parties: Redevelopment Agency and KEH Development Company, LLC  
Property Owner: Dr. C. Bochner  
Under Negotiation: Property Acquisition

11. **Added Urgency Item**

**CLOSED SESSION ANNOUNCEMENTS**

Deputy City Attorney there were no reportable actions out of Closed Session.

**PUBLIC COMMENTS**

Mayor Stettler opened Public Comments for anything not on tonight's agenda.

Bill Cohen – Cathedral City. They now have 36 members of the Citizens On Patrol (C.O.P.S.), but they would still like to have an additional eight or nine members, also still offering T-shirts for sale, and he delivers. Please call him at 321-0148.

Douglas Schmidt – Desert Princess, Cathedral City. Mr. Schmidt was here about the Code Enforcement of the need to fence around swimming pools for the protection of children. Mr. Schmidt advised that this is a retirement community, and you would be hard pressed to find “children” in Desert Princess. He talked about the Fountain in front of City Hall, that it wasn't fenced.

Denise Gero – Desert Princess, Cathedral City. Ms. Gero was also here to express her dissatisfaction with the fencing issue in Desert Princess, she is concerned that the pools that are already installed in Desert Princess and those who sell their homes do not have to comply, only new houses. She feels that putting fences up will detract from the beauty of the area and the property values. Pools need approval of the HOA, and she would like to ask the Council for reconsideration of the code enforcement to a later date, like January 1, 2005.

Council Member Marchand said the Ordinance was drafted in 1996 and he is hearing legitimate concern on the Homeowners, and this is the kind of Ordinance that gives legislators a bad name.

Steven Schnee – Sherman Oaks and a buyer at Desert Princess. He has just recently heard of the statue. It is his understanding that Desert Princess has over 100 pools, and that people selling their homes do not have to put up a fence – and he also requests the Council to reconsider of the code enforcement to January 2005.

Jerry Pass – Desert Princess, Cathedral City. Mr. Pass owns several home in Desert Princess, and two to three of these are new homes. He feels fences have a negative effect on the Golf Course, and he would like the Council to research what is done in other communities around the nation. He wants to protect ourselves and the children, and urges the Council to amend this Ordinance.

Mayor Stettler advised that he had gone by Desert Princess to see the new homes – he feels that the City Building Officer has made a correct interpretation of the code. Without the code we fall under the State Code. The community pools at Desert Princess all are fenced. The city code must be city wide – we can't exempt just certain areas.

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Mayor Pro Tem Pettis – He went thru a quick synopsis of the code in the past week or so, however, approving the Ordinance in 1996, and it not being enforced until now, he feels the Planning Commission should look at this and have them bring back some recommendations. We could appeal to the State.

Council Member England echo's the Mayor Pro Tem's comments and thinks the item should go to the Planning Commission and then brought back to Council as soon as possible.

Mayor Stettler asked Deputy city Attorney Green if we had to take this item back to Planning? Mr. Green advised that he needs to research this item, but usually goes back to the Planning Commission.

Council Member Marchand feels this is the First Amendment at work. He doesn't like ugly pool fences and agrees that it spoils the view.

Deputy city Attorney Green wanted to make some clarifications: California Building Code requires one of several safety features. If the City Ordinance is changed to be less stringent, then state law requires certain safety features. If we were to eliminate this requirement all together, then we will be bound by state requirements.

Mayor Stettler suggests Council bring this item back by August 11 to revisit – maybe we should just “get out of the way” and let the State Ordinance take care of the problem.

Seeing no one else wishing to speak Mayor Stettler closed Public Comments.

**AGENDA FINALIZATION**

Council Member/RDA Board Marchand moved to place Legislative items 14 and 15 on the Consent Agenda, motion seconded by Council Member/RDA Board Member England, motion carried 4-0.

**COUNCIL COMMENTS**

Council Member Marchand advised he would ask that we adjourn tonight in memory of the U.S. forces killed in Iraq since our last meeting, especially those from 29 Palms.

**MINUTES**

There were no minutes submitted for approval this meeting.

**PRESENTATIONS AND PROCLAMATIONS**

Captain Holcomb introduced Police Officer George Boyd to the City Council, staff, and attendees. He is a 3<sup>rd</sup> generation Police Officer, and a graduate of the U of C.

## **CONSENT AGENDA**

Council Member/RDA Board Member Marchand moved acceptance of the Consent Agenda, motion seconded by Council Member/RDA Board Member England, motion carried 4-0.

1. Adopted proposed ordinances of the City Council for the City of Cathedral City amending certain time limitations with respect to the Redevelopment Plan for Redevelopment Project Area No. 1, Redevelopment Project Area No. 2 and Redevelopment Project Area No. 3, **by Ordinance No. # 591, Ordinance No. # 592, Ordinance No. #593, and by Minute Order # R-997.**
2. Authorized entering into a Promissory Note in the amount of \$390,393.00 by the Redevelopment Agency in favor of the Housing Fund **by Minute Order # R-998.**
3. Accepted the Service provider agreement with the Cathedral City Boys and Girls Club for fiscal year 2004-2005 **by Minute Order # 3738.**
4. Accepted Service provider agreement with the Cathedral City Senior Center for fiscal year 2004-2005 and approved of Senior Center of Quarterly Report **by Minute Order # 3739.**
5. Approved the Cathedral City Senior Center- Community Services proposal and agreement Addendum **by Minute Order # 3740.**
6. Adopted resolution of the Cathedral City Community Facilities District No. 2000-1, establishing annual special tax for fiscal year 2005-2005 **by Resolution No. 2004-77.**
7. Appointment of Mr. Gerry La Londe-Berg as the "City Director" to the Board of Directors for the City Urban Revitalization Corporation **by Minute Order # 3742.**
8. Authorized the City to participate in the amount of \$1,500 in the animal campus public relations and marketing funding **by Minute Order #3743.**
14. Authorized the staff to execute amendments 3 and 4 and a notice to proceed for phase 2 for the professional services agreement with NAI Consulting to provide final design plans, specifications and estimates (PS & E), bid support, technical oversight during construction and related services for the 35<sup>th</sup> Avenue Assessment District project **by Minute Order # 3744.**
15. Adopted City Council Resolution and Redevelopment Agency Resolution of the City Council and the Redevelopment Agency Board for the City of Cathedral City extending indemnification and defense rights afforded City employees under the California Government Code to at-large directors and the City Director of the City Urban Revitalization Corporation **by Resolution # 2004-78 and Resolution No. # R-386.**

**PUBLIC HEARING:**

- 8A. Appeal to the City Council of the staff rejection of the Honda of the Desert Sign Program.

Mr. Schillcock gave a brief summary for this item. He advise that Mr. Soby from The Honda Dealership was in the audience. Mr. Soby came forward and explained the "Honda Factory Sign program", and explained that all Honda Dealerships throughout the country (about 1000 of them) all had the same signage, that this was a program stated in 2002. It is all about "branding", and he requested that the Council reconsider the Planning Commission decision to deny the necessary Approval.

Council Member England asked if permits were never applied for? While he understands Branding, how does a sign go up without permits? Mr. Soby apologized, he signed a permit application, but the sign company failed to file it.

Julie Baumer, Deputy City Manager advised that they did submit a sing program, after the fact, but the signs were limited to two signs, total area not to exceed 100 square feet. Honda's signs are a total of 334 square feet. The Auto Center sign ordinance is different than other commercial buildings, in that they are not based on the size of the building.

Mayor Stettler said to hold sign company's "feet to the fire" when you hire them. Don't allow them to do business in the city if they don't comply with the City Ordinances.

Council Member Marchand asked the Deputy City Attorney if we could grant relief? The sign guy did wrong, it cost Honda money and time, it cost staff time and money, the city needs to be made whole.

Mayor Pro Tem Pettis advised that the Auto Dealers CC&R's approved some latitude to the Auto Dealers on signage.

Council Member England is concerned about circumventing the City Ordinance – why are we doing this now, rather than months ago with the Sign Company?

Mayor Stettler opened the floor for Public Comments.

Bill Cohen – Cathedral City. He spent 25 years of his life in the Auto Business, we have spent a lot of time over a previous Honda sign. Let's fix it and get on with business.

Gene Touchet – Cathedral City and a Planning Commissioner. The whole concept of the Auto Center has changed and it is time that we look at the sign code again.

Seeing no one else wishing to speak the Mayor closed Public Comments.

Mayor Stettler said we need to re-visit signs for Auto Center, Downtown, and small businesses.

Council Member Marchand said the Council needs to grant relief and the Sign Company needs to suffer, not Mr. Soby. We will not ignore anyone who willfully circumvents the sign Ordinance.

Mayor Pro Tem moved to grant the appeal from Honda and overturn the Planning Commissions decision, motion seconded by Council Member Marchand, motion carried 4-0 **by Minute Order # 3745**

### **LEGISLATIVE ACTION(S)**

9. Assessment of special assessments against properties for nuisance abatement costs.

There was a brief report by Fire Chief Sowles. He said that this is really a housekeeping item, he usually has 200-300 abatements to go to the County, and noted there were only 137 properties on this report.

Council Member remarked that he was concerned about the absentee owners.

Public Comment were opened and closed without comment.

Council Member Marchand moved adoption of **Resolution No. 2004-79**, motion seconded by Mayor Pro Tem Pettis, motion carried 4-0.

10. Proposed addition to the City's 2004-2005 Capital Improvement Projects budget and authorizing staff to proceed with design and bidding of a rubberized asphalt slurry project to meet an early spring 2005 construction schedule.

There was a brief report by Jerry Jack, Interim Public Works Director and while this is a Housekeeping item, it is a project of the size to be beneficial to our residents to hear.

Mayor Stettler opened Public Comments.

Gene Touchet – Cathedral City – spoke positively about this item.

Council Member England moved approval, motion seconded by Council Member Marchand, motion carried 4-0 **by Minute Order # 3745A.**

11. Proposed ordinances of the City Council for the City of Cathedral City and the Redevelopment Agency amending the Municipal Code relative to the collection of transient occupancy taxes by the City and establishing authority for the agency to levy a transient occupancy tax in a specific project area.

Report by Economic Development Director Paul Schillcock.

Public Comments opened and closed without comment.

Council Member Marchand moved to waive further reading and introduce the ordinance. Motion seconded by Council Member England, motion carried 4-0 **by Minute Order # 3746 and Minute Order # R-999.**



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12. Proposed resolution of the City Council for the City of Cathedral City, directing the City Council transient occupancy tax ballot measure subcommittee to prepare an argument in favor of the ballot measure on behalf of the Mayor and Members of the City Council.

Report by Deputy City Attorney Green.

Public Comment opened and closed without comment.

Council Member Marchand moved to adopt **Resolution No. 2004-81**, motion seconded By Council Member England, motion carried 4-0/

13. Proposed ordinance of the City Council for the City of Cathedral City, amending Chapter 3.12 "Purchases" of the Cathedral City Municipal Code to ensure compliance with federal procurement guidelines when awarding sub-grants or contracts stemming from federal grants or cooperative agreements.

Report by Finance Director Tami Scott.

Public Comments were opened and closed without comment.

Council Member Marchand moved to waive further reading and introduce the Ordinance, motion seconded by Council Member England, motion carried 4-0 by **Minute Order # 3747**.

### **COUNCIL REPORTS ON CITIZEN INQUIRIES AND CONCERNS.**

Mayor Stettler asked everyone to support local Businesses. Please visit the new Staples Store at Date Palm and E. Palm Canyon. Also we have Spiderman II and Harry Potter at the IMAX.

Council Member England restated the Fireworks sales and thanked everyone who participated to help our non-profit organizations in Cathedral City.

Council Member Marchand had kudos from a 80 year-old constituent, who had to call the Paramedics. She was quoted as saying "They were the kindest and cutest".

Mayor Stettler mentioned that Mike Mingee was leaving our Fire Department to become Chief in Port Townsend Washington, and wished him the best.

The Mayor also announced that we would not have a meeting August 25 as the Council made a decision to go dark for this one meeting. The only meeting is August will be August 11<sup>th</sup>.

### **ADJOURNMENT**

Hearing no further business to come before the City Council, Mayor Stettler adjourned the meeting in memory of the U.S. forces who have died since our last meeting, with special mention to those from 29 Palms. Adjourned at 8:07 p.m.

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Pat Hammers, City Clerk